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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,732	09/22/2003	Sang Chul Kang	JP920020142US1	9679
45095 7590 06/04/2009 HOFFMAN WARNICK LLC 75 STATE ST 14 FL ALBANY, NY 12207				
EXAMINER LE, KHANH H				
ART UNIT 3688		PAPER NUMBER		
NOTIFICATION DATE 06/04/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/667,732

Applicant(s)

KANG ET AL.

Examiner

KHANH H. LE

Art Unit

3688

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/K.L./

/James W Myhre/
Supervisory Patent Examiner, Art Unit 3688

Continuation of 5. Applicant's reply has overcome the previous Rejection of Claims 1-4 and 7-8 under 35 U.S.C. 112, second paragraph. However amendment to claims 3 and 4 ("the storing", present new issues of indefiniteness which need further consideration, since "the storing" could mean the storing of the advertisement data at the ad server and not the positively recited "storing" step of claim 1.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant reiterates the argument about an "effective display period of time" and rechallenges the Official Notice taken "that an "effective display period of time" is only a common alternative for a number of times of display, for the same purpose of limiting the time of exposure of a particular ad so others can be displayed (Hoyle, col. 15 lines 58-59)". This argument had been addressed in the last Office Action at pages 6-8. Applicant asks for evidentiary support of the Official Notice. This was provided in the last Office Action at pages 7-8:

"Hoyle discloses a maximum counts of display for an ad (e.g. col.15 lines 54-58; col. 12 lines 5-6)) so that other ads can be displayed (col. 15 lines 58-59). It is either implicit in Hoyle, or a PHOSITA would have found it obvious from Hoyle that each ad has at least a minimum period of display time. Thus Hoyle implicitly discloses, or it would be obvious from Hoyle that a maximum counts for an ad would translate into a maximum total time of display for an ad, this latter being the product of the maximum counts times some (e.g. minimum) display time of the ad. This is what the Examiner tried to explain with the Official Notice.

Official Notice was taken earlier and repeated above that an "effective display period of time" is only a common alternative for a number of times of display, for the same purpose of limiting the time of exposure of a particular ad so others can be displayed (as done in Hoyle, col. 15 lines 58-59). This means that Official Notice was taken that an "effective display period of time", which can be interpreted as a maximum total time of display for an ad, is only a common alternative for a number of times of display. This fact is well-known, at least because it can be inferred logically, at least from the above cited Hoyle teachings, as explained above."